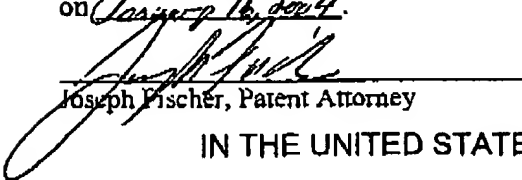


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I hereby certify that this correspondence is being
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Trademark Office, Fax No. 703-872-9306

on January 16, 2004.
Joseph Fischer, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Group Art Unit: 1644

Ver der Ploeg et al.

Examiner: Nolan, Patrick J.

Serial No.: 08/554,424

Attorney Docket: 19338DA
(and also as 19338CDCPA2)

Filed: 11/06/1995

Title: PROCESS FOR IDENTIFYING PARA CATION CHANNEL
MODULATORSCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW EXAMINER'S HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)

Applicant respectfully requests and petitions the Commissioner to withdraw the Examiner's holding of Abandonment as set forth in the Notice of Abandonment mailed 12/29/2003.

Statement of Facts

On August 20, 2003, Applicant timely filed a ten-page (including fax cover) response/amendment to the Office communication mailed May 20, 2003. Applicant sent this by facsimile to USPTO fax number 703-872-9306 and received an Auto-Reply from the USPTO on that same date. Copies of the facsimile, the internal record of facsimile transmission, and the Auto-Reply are provided as exhibits to this Petition.

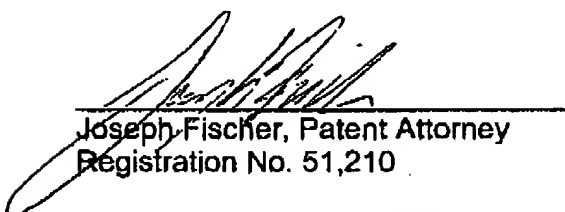
On January 5, 2004, Applicant received a Notice of Abandonment stating the basis for abandonment was that no reply had been received to the Office communication mailed May 20, 2003. Applicant telephoned the Examiner, explained that the above-noted reply/amendment had been timely transmitted and receipt of same was acknowledged automatically by the USPTO. The Examiner inferred there was a problem in matching that response/amendment to the file, and recommended filing a Petition to Withdraw the Examiner's Holding of Abandonment.

Requests for Review and Action

Applicant requests review of the attached exhibits to verify that Applicant timely filed a complete response to the Office communication mailed May 20, 2003.

As to action requested, Applicant respectfully requests withdrawal of the Examiner's holding of Abandonment as set forth in the Notice of Abandonment mailed 12/29/2003. Further, Applicant respectfully requests entry of the attached response/amendment transmitted August 20, 2003, to the application, and action on the merits.

Respectfully submitted,



Joseph Fischer, Patent Attorney
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